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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,174	08/21/2006	Josephus Arnoldus Henricus Maria Kahlman	NL 040221	1949
24737	7590	10/17/2008		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			ORTIZ CRIADO, JORGE L	
BRIARCLIFF MANOR, NY 10510				
			ART UNIT	PAPER NUMBER
			2627	
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			10/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/598,174

**Applicant(s)**KAHLMAN, JOSEPHUS  
ARNOLDUS HENRICUS MAR**Examiner**

JORGE L. ORTIZ CRIADO

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “32d” and “32e”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: The text “Startup” should be “startup”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-4, and 6-29 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Stebbing US Pat No. 6,636,689.

In regard to claim 1, Stebbings discloses a record carrier (2) comprising a group of channel bits recorded in a track z (see Fig. 12), characterized in that the record carrier identification information is stored in the group of channel bits with an asymmetry modulation (width of pits variations) where a parameter of the asymmetry modulation has a predetermined value (see Figs. 12, 16, 17; col. 21 lines 25-48).

In regard to claim 2, Stebbings discloses where a channel bit of the group of channel bits with an asymmetry modulation has a first transition corresponding to a first predetermined position and a second transition corresponding to a second predetermined position (see Fig. 17, transitions), where at least one transition deviates from a predetermined position by a predetermined amount (The width of at least one of the transitions is varied due to width of the pit; see col. 21 lines 25-48).

In regard to claim 3, Stebbings discloses a channel bit of the group of channel bits with an asymmetry modulation has a pit width that deviates from a predetermined pit width by a predetermined amount (see col. 21 lines 25-48).

In regard to claim 4, Stebbings discloses characterized in that the predetermined amount is more than an average jitter value of transitions positions on the record carrier (see col. 21 lines 30-32; introduces voltage signal above a normal levels).

In regard to claim 6, Stebbings discloses characterized in that the amount is modulated using a spread spectrum modulation (namely as described in col. 21 lines 39-47; col. 22, lines 11-41; modulated key).

In regard to claim 7, Stebbings discloses characterized in that the amount is different in a first section of the record carrier compared to a second section of the record carrier (as described in the cited columns above; several areas and several pits with such variations of width characteristics are used).

In regard to claim 8, Stebbings discloses characterized in that the record carrier is a read only record carrier (see CD or DVD for playback only).

In regard to claim 9, Stebbings discloses characterized in that the location of the first section is stored in a predetermined position (see col. 18, line 63 to col. 9 line 2; col. 22, line 57 to col. 23 line 2).

In regard to claim 10, Stebbings discloses characterized in that the record carrier comprises a Startup information area and that a location of the first section is stored in the Startup information area (col. 18, line 63 to 67).

Claims 11-29 are drawn to the methods of recording, reproducing, device for recording and reproducing the above record carrier. Having limitations similar to the ones treated in the above rejected claims. And are also met by Stebbings reference above cited.

See description regarding Figures. 13, 18, 19, 20 and 29-30.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stebbings US Pat No. 6,636,689.

Stebbing does not expressly disclose characterized that the predetermined amount is less than a length of a smallest channel bit, Stebbings does teaches that the amount is a predetermined extra amount.

And at the time of the invention finding the workable range and optimum value that satisfies the conditions, for instance a value smaller than the smallest bit, would have been obvious to one of an ordinary skill in the art.

Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and that discovering an optimum value of a result effective variable involves only routine skill in the art as well.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/  
Primary Examiner, Art Unit 2627